

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

NOV 22 2013

Clerk, U.S. District Court
District Of Montana
Missoula

YOUNG YIL JO,

Plaintiff,

vs.

SIX UNKNOWN NAMES AGENTS or
MR PRESIDENT OF THE UNITED
STATES BARACK OBAMA,

Defendants.

CV 13-00233-M-DWM-JCL

ORDER

YURI TZUL

Plaintiff,

vs.

SIX UNKNOWN NAMES AGENTS or
MR PRESIDENT OF THE UNITED
STATES BARACK OBAMA,

Defendants.

CV 13-00234-M-DWM-JCL

ORDER

IVAN DARIO PEREZ

Plaintiff,

vs.

SIX UNKNOWN NAMES AGENTS or
MR PRESIDENT OF THE UNITED
STATES BARACK OBAMA,

Defendants.

CV 13-00235-M-DWM-JCL

ORDER

SANTOS DIAZ-HERNANDEZ,

Plaintiff,

vs.

SIX UNKNOWN NAMES AGENTS or
MR PRESIDENT OF THE UNITED
STATES BARACK OBAMA,

Defendants.

CV 13-00236-M-DWM-JCL

ORDER

REX OSEI ADDO,

Plaintiff,

vs.

SIX UNKNOWN NAMES AGENTS or
MR PRESIDENT OF THE UNITED
STATES BARACK OBAMA,

Defendants.

CV 13-00237-M-DWM-JCL

ORDER

JOSE A. ALCANTARA,

Plaintiff,

vs.

SIX UNKNOWN NAMES AGENTS or
MR PRESIDENT OF THE UNITED
STATES BARACK OBAMA,

Defendants.

CV 13-00238-M-DWM-JCL

ORDER

GIOVANNI ARROYO,

Plaintiff,

vs.

SIX UNKNOWN NAMES AGENTS or
MR PRESIDENT OF THE UNITED
STATES BARACK OBAMA,

Defendants.

CV 13-00239-M-DWM-JCL

ORDER

ERICK N. BOCH,

Plaintiff,

vs.

SIX UNKNOWN NAMES AGENTS or
MR PRESIDENT OF THE UNITED
STATES BARACK OBAMA,

Defendants.

CV 13-00240-M-DWM-JCL

ORDER

CRESCENCIO BARRAZA,

Plaintiff,

vs.

SIX UNKNOWN NAMES AGENTS or
MR PRESIDENT OF THE UNITED
STATES BARACK OBAMA,

Defendants.

CV 13-00241-M-DWM-JCL

ORDER

BERNARDO FERNANDEZ,

Plaintiff,

vs.

SIX UNKNOWN NAMES AGENTS or
MR PRESIDENT OF THE UNITED
STATES BARACK OBAMA,

Defendants.

CV 13-00242-M-DWM-JCL

ORDER

BERTRAM C. JOHNSON,

Plaintiff,

vs.

SIX UNKNOWN NAMES AGENTS or
MR PRESIDENT OF THE UNITED
STATES BARACK OBAMA,

Defendants.

CV 13-00243-M-DWM-JCL

ORDER

THO LE,

Plaintiff,

vs.

SIX UNKNOWN NAMES AGENTS or
MR PRESIDENT OF THE UNITED
STATES BARACK OBAMA,

Defendants.

CV 13-00244-M-DWM-JCL

ORDER

HANKEY MAURICE JR.,

Plaintiff,

vs.

SIX UNKNOWN NAMES AGENTS or
MR PRESIDENT OF THE UNITED
STATES BARACK OBAMA,

Defendants.

CV 13-00245-M-DWM-JCL

ORDER

LUIS QUINTANILLA,

Plaintiff,

vs.

SIX UNKNOWN NAMES AGENTS or
MR PRESIDENT OF THE UNITED
STATES BARACK OBAMA,

Defendants.

CV 13-00246-M-DWM-JCL

ORDER

MARTIN A. ROSAS,

Plaintiff,

vs.

SIX UNKNOWN NAMES AGENTS or
MR PRESIDENT OF THE UNITED
STATES BARACK OBAMA,

Defendants.

CV 13-00247-M-DWM-JCL

ORDER

ARLON A. SANTANDER,

Plaintiff,

vs.

SIX UNKNOWN NAMES AGENTS or
MR PRESIDENT OF THE UNITED
STATES BARACK OBAMA,

Defendants.

CV 13-00248-M-DWM-JCL

ORDER

ROGER TALANCON,

Plaintiff,

vs.

SIX UNKNOWN NAMES AGENTS or
MR PRESIDENT OF THE UNITED
STATES BARACK OBAMA,

Defendants.

CV 13-00249-M-DWM-JCL

ORDER

OMAR A. TURCIOS,

Plaintiff,

vs.

SIX UNKNOWN NAMES AGENTS or
MR PRESIDENT OF THE UNITED
STATES BARACK OBAMA,

Defendants.

CV 13-00250-M-DWM-JCL

ORDER

Plaintiff Young Yil Jo, an inmate incarcerated in the Etowah County Detention Center in Gadsden, Alabama, proceeding without counsel, filed an incoherent one-page complaint entitled Under 42 U.S.C. § 1983 on November 18, 2013. (Doc. 1.) Although Yil Jo does not appear to have a relationship to Montana, this is his seventeenth lawsuit filed in this district.¹ As with his previous lawsuits, Yil Jo did not pay the \$400.00 filing fee and did not submit an application to proceed in forma pauperis. Because this action is subject to dismissal pursuant to 28 U.S.C. §1915(g), the Court will not direct Yil Jo to pay the fee or file a motion for leave to proceed in forma pauperis.

Permission to proceed in forma pauperis is discretionary with the Court. *See* 28 U.S.C. § 1915(a). 28 U.S.C. § 1915(g) provides:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

Yil Jo has filed several hundred civil actions throughout the country which have been dismissed as frivolous, malicious, or for failure to state a claim. He has

¹ *See* Civil Action Nos. 12-CV-0117-BLG-RFC; 12-CV-161-BLG-RFC; 13-CV-0007-M-DLC; 13-CV-00018-M-DLC, 13-CV-00046-M-DWM, 13-CV-00097-M-DWM, 13-CV-00109-M-DWM-JCL, 13-CV-00124-M-DWM, 13-CV-00134-M-DWM, 13-CV-00143-M-DWM, 13-CV-158-M-DWM, 13-CV-172-M-DWM-JCL, 13-CV-184-M-DWM-JCL, 13-CV-191-M-DWM, 13-CV-200-M-DWM, and 13-CV-225-M-DWM.

received three strikes in at least two federal district courts.² According to an August 28, 2013 Order out of the Eastern District of California, Yil Jo had filed over two hundred civil cases in that district alone. *Yil Jo v. Six Unknown Names Agents*, No. 1:13cv01358-LJO-MJS (Doc. 2).

Yil Jo has far exceeded the three “strikes” allowed by the Prison Litigation Reform Act to a prisoner attempting to proceed in forma pauperis in a federal civil lawsuit. As such, he cannot proceed in forma pauperis in the instant case unless he can show that he qualifies for the “imminent danger of serious physical injury” exception of Section 1915(g). Even when construed liberally in Yi Jo’s favor, the allegations in his Complaint do not support a finding that he is in “imminent danger of serious physical injury.”

Ordinarily litigants are given a period of time to pay the \$400.00 filing fee, but Yil Jo will not be allowed to do so given his abusive litigation practices. He should have known he could not submit additional complaints without paying the filing fee or demonstrating imminent danger of serious physical harm.

Yil Jo included seventeen additional complaints in the envelope in which he

² See *Yil Jo v. Six Unknown Named Agents*, No. CV-11-1963-RSM (W.D. Wash., Mar. 26, 2012); *Yil Jo v. Six Unknown Named Agents*, No. CV-12-76-JLR (W.D. Wash, Mar. 9, 2012); *Yil Jo v. Six Unknown Named Agents*, No. CV-11-2159-JLR (W.D. Wash., Feb. 21, 2012); *Jo v. Six Unknown Named Agents*, No. 1:08-CV-00005 (E.D. Ca. Jan. 16, 2008); *Jo v. Six Unknown Named Agents*, No. 1:08-CV-00031 (E.D. Ca. Jan. 16 2008); *Jo v. Six Unknown Named Agents*, No. 1:08-CV-1260 (E.D. Ca. Aug. 29, 2008); *Jo v. Six Unknown Named Agents*, 1:08-CV-1254 (E.D. Ca. Sept. 9, 2008).

sent his complaint. The Complaints are all identical but have different plaintiffs. It appears clear that Yil Jo drafted all of these Complaints because they are identical and the handwriting on the Complaints and Yil Jo's filings in this and other jurisdictions is the same. Yil Jo has a history of submitting complaints in other prisoners' names without their knowledge. He has done so previously in this Court. *See* Civil Action Nos. 13-CV-98-M-DWM, 13-CV-110-M-DWM, 13-CV-125-M-DWM, 13-CV-135-M-DWM, 13-CV-144-M-DWM, 13-CV-145-M-DWM, 13-CV-192-M-DWM, 13-CV-201-M-DWM, 13-CV-202-M-DWM, 13-CV-226-M-DWM, 13-CV-227-M-DWM, 13-CV-228-M-DWM, 13-CV-229-M-DWM, and 13-CV-230-M-DWM. In addition, the Northern District of Georgia has noted it had dismissed at least eleven complaints allegedly submitted by federal prisoner Jaimes Enriquez against "Six Unknown Names [sic] Agents" at least one of which was actually submitted by Yil Jo. Enriquez had informed the Court that many lawsuits filed in his name were not filed by him. *See* Civil Action 11-CV-01341-WSD, DKT 2 (N.D. Ga April 29, 2011).

More important, however, is that none of the Complaints, except Yil Jo's, are signed. Rule 11(a) of the Federal Rules of Civil Procedure requires that every pleading, written motion and other papers be signed by a party personally if the party is unrepresented.

It appears that Yil Jo drafted these Complaints and it is unclear that any of

the other named plaintiffs have even seen them. In light of this, and because there are no signatures on the Complaints filed in Civil Action Nos. 13-CV-234-M-DWM through 13-CV-250-M-DWM, they will be stricken and those matters closed.

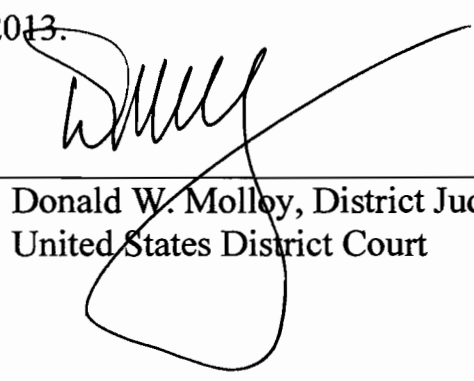
Based upon the foregoing, the Court issues the following:

ORDER

In Civil Action 13-CV-233-M-DWM-JCL, Young Yil Jo will not be allowed to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(g). The Clerk of Court is directed to close that case and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

The Complaints in Civil Action Nos. 13-CV-234-M-DWM through 13-CV-250-M-DWM are stricken. The Clerk of Court directed to close those cases and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

DATED this 22nd day of November, 2013.



Donald W. Molloy, District Judge
United States District Court